

## Notice of Allowability

Application No.

10/723,954

Examiner

Omar F. Fernández Rivas

Applicant(s)

PATHAK ET AL.

Art Unit

2129

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment entered on June 30, 2007.
2. ☒ The allowed claim(s) is/are 26-50.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 9/7/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



### DETAILED ACTION

1. This Office Action is in response to an AMENDMENT filed by the Applicant entered on June 30, 2007.
2. Claims 26-50 are allowed.

#### ***Allowable Subject Matter***

3. The following is an examiner's statement of reasons for allowance: claims 26-50 are considered allowable since when reading the claims in light of the specification, as per MPEP § 2111.01, In re Donaldson Co., Inc., 29 USPQ 2d 1845, 1850 (Fed. Cir. 1994), or In re Sneed, 710 F.2d 1544, 1548, 218 USPQ 385 (Fed. Cir. 1983), none of the references of record alone or in combination disclose or suggest the combination of limitations specified in the independent claims, specifically: "upon reaching said first predefined goal, automatically changing behavior of content management rules applied to said content in real time" (as defined ar e.g. at page 9, paragraph 22; page 11, paragraph 27; pages 12-13, paragraph 30; pages 21-22, paragraphs 43-45; pages 25-26, paragraph 52 of the specification of the instant application) as specified in independent claims 26, 37 and 48.

Zothner (US Patent #6,775,658) discloses a method for providing notifications of services to users. Business rules are mapped to business triggers so that actions can be performed based on the rule execution. Notifications with appropriate information are sent to the recipients based on business conditions and business rule actions.

Hoskens discloses a system for recommending entertainment content items to a user. Upon request of the user, the system accesses the user profile and a content

interest database. The system uses the relationships between the content items to determine a subset of content items to present to the user.

However, the combined teachings of Zothner and Hoskens do not teach "upon reaching said first predefined goal, automatically changing behavior of content management rules applied to said content in real time" as specified in independent claims 26, 37 and 48.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Apollonsky et al. US Patent #7,139,757

Croy US PG PUB #2001/0037361

Brandenberg et al. US PG PUB #2003/0063072

Davies et al. US PG PUB #US 2003/0033191

5. Claims 26-50 are allowed.

### **Correspondence Information**

6. Any inquires concerning this communication or earlier communications from the examiner should be directed to Omar F. Fernández Rivas, who may be reached

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Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-2589 or email [omar.fernandezrivas@uspto.gov](mailto:omar.fernandezrivas@uspto.gov).

If you need to send an Official facsimile transmission, please send it to (571) 273-8300.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, David Vincent, may be reached at (571) 272-3080.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.

Omar F. Fernández Rivas  
Patent Examiner  
Artificial Intelligence Art Unit 2129  
United States Department of Commerce  
Patent & Trademark Office

Wednesday, October 10, 2007



DAVID VINCENT  
SUPERVISORY PATENT EXAMINER